**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**
**Ist Bail Application No. 436 of 2006**

Heera Singh S/o Lachhi Jatav
R/o Moh. Killa, Opposite Gangebaba Mandir,
Kashipur, P.S. Kashipur,
District U.S. Nagar Applicant.

Versus

State of Uttaranchal Respondent.

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Arising out of case crime No. 1632/2004
U/S Kashipur,
District U.S. Nagar.

**Hon'ble B.C. Kandpal, J.**

The applicant has applied for bail in case crime No. 1632/2004 U/S 302 I.P.C. P.S. Kashipur, District U.S. Nagar.

Heard Sri Dharamveer Sharma, learned Senior Advocate, for the applicant, Sri K.S. Rautela, learned A.GA. and perused the record.

The first information report reveals that the name of the applicant finds place in the first information report on the basis of doubt.

However, the Investigating Agency could not collect any positive evidence against the applicant and it was only on 3.12.2005 the statement of one of the so called witness Satyaveer Singh Jatav was recorded by the I.O., in which this witness disclosed himself to be the eyewitness of the occurrence.

The prosecution could not show anything before me, which may indicate that why the statement of the eyewitness was recorded after a period of about one year.

Keeping in view the aforesaid circumstance, I think it will be just and proper to release the applicant on bail at this stage.

Let the applicant Heera Singh, be released on bail in case crime No. 1632/2004 U/S 302 I.P.C. P.S. Kashipur, District Udham Singh Nagar, on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the Magistrate concerned.

**(B.C. Kandpal, J.)**

Dated: 11.07.2006
ISB